

RESOLUTION NUMBER R- 314646
DATE OF FINAL PASSAGE MAR 13 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DETERMINING THAT THE AUTHORIZATION OF PAYMENTS UNDER A SETTLEMENT AGREEMENT RELATED TO THE NOTICE OF VIOLATION ISSUED BY THE REGIONAL WATER QUALITY CONTROL BOARD FOR THE SANITARY SEWER OVERFLOW INTO THE SWEETWATER RIVER, INCLUDING PAYMENTS TO FUND SUPPLEMENTAL ENVIRONMENTAL PROJECTS, IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT UNDER CEQA GUIDELINES SECTIONS 15301, 15302, 15304, AND 15306.

WHEREAS, the City of San Diego (City) is considering entering into a Settlement Agreement and Stipulation for Entry of Administrative Civil Liability Order No. R9-2023-0017 and a Stipulation for Entry of Cease and Desist Order No. R9-2023-0016 to resolve Notice of Violation No. R9-2020-0204 that was issued to the City by the Regional Water Quality Control Board on July 31, 2020, which includes funding two supplemental environmental projects (Project); and

WHEREAS, the California State Legislature, through the California Environmental Quality Act (CEQA), Public Resources Code sections 21000-21189.70.10, has determined that CEQA does not apply to various types of projects listed therein; and

WHEREAS, California Public Resources Code section 21084 states that CEQA Guidelines (Cal. Code Regs., title 14, §§ 15000 to 15387 (CEQA Guidelines)) shall list those classes of projects which have been determined not to have a significant effect on the environment and which shall be exempt from CEQA; and

WHEREAS, under that authority, CEQA Guidelines sections 15300-15333 list the categorical exemptions promulgated by the California Office of Planning and Research and

adopted by the Secretary of the California Natural Resources Agency for those classes of projects that have been determined not to have a significant effect on the environment; and

WHEREAS, the Planning Department has determined that the Project is statutorily exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15302, 15304, and 15306; and

WHEREAS, the Council of the City of San Diego (Council) has considered the potential environmental effects of the Project; and

WHEREAS, the Council held a duly noticed public meeting and considered the written record for the Project as well as any public comment; and

WHEREAS, the Council, using its independent judgment, has determined that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301 because it involves operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing or former use; 15302 because it consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity of the structure replaced; 15304 because it consists of minor public or private alterations in the conditions of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees; and 15306 because it consists of basic data collection, research, experimental management, and resource evaluation activities, which do not result in serious or major disturbance to an environmental resource; and

WHEREAS, the Council, exercising its independent judgment, determined that no exception set forth in CEQA Guidelines section 15300.2 applies to the Project because no

cumulative impacts were identified; no significant effects on the environment were identified; none of the land is adjacent to a scenic highway; no historical resources will be affected by the action; and none of the land is identified on a list of hazardous waste sites pursuant to California Government Code section 65962.5; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

1. The Project is categorically exempt from CEQA pursuant to CEQA Guidelines sections 15301, 15302, 15304, and 15306.
2. No exception to the exemptions set forth in CEQA Guidelines section 15300.2 applies to the Project.

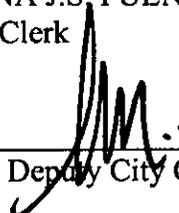
APPROVED: MARA W. ELLIOTT, City Attorney

By 
Melissa D. Ables
Chief Deputy City Attorney

MDA:cw
February 22, 2023
Or.Dept: Public Utilities Department
CC No.: 3000015545
Doc. No. 3227636
Companion to: R-2023-430

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of MAR 07 2023

DIANA J.S. FUENTES
City Clerk

By  _____
Deputy City Clerk

Approved: 3/13/23
(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING DEPT. NO.: 3000015545
2000

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____ Fund: _____

Purpose: _____

Date: _____ By: _____
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
001									
TOTAL AMOUNT									

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: _____ \$4,609,724.00

Vendor: San Diego Regional Water Quality Control Board

Purpose: To authorize the expenditure of funds, not to exceed \$4,609,724, for the Settlement of April 2020 Sweetwater River Sanitary Sewer Overflow, Regional Water Quality Control Board Notice of Violation No. R9-2020-0204.

Date: February 24, 2023 By: Elizabeth Warnock *Elizabeth Warnock*
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
I	700001	Non-Program	n/a	OTHR-00000000-SU	512182	2000	2000191211	N/A	\$4,609,724.00
TOTAL AMOUNT									\$4,609,724.00

FUND OVERRIDE
3000015545

Passed by the Council of The City of San Diego on MAR 07 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

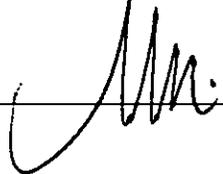
Date of final passage MAR 13 2023.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By , Deputy

(Seal)

Office of the City Clerk, San Diego, California

314646

Resolution Number R-_____